April 30, 2001

VIA FACSIMILE AND FEDERAL EXPRESS

Ms. Deena Sheppard-Johnson
Mail Code: SR-6J
United States Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Boulevard
Chicago, IL 60604

Heidi B. Goldstein 216-566-5559 heidi.goldstein@thompsonhine.com

US EPA RECORDS CENTER REGION 5

446643

DERY 0 1 2001

Re:

United States Environmental Protection Agency Request

for Information - Chemical Recovery Systems Site - Elyria, Ohio

Dear Ms. Sheppard-Johnson:

Attached you will find The B.F. Goodrich Company's Response to the United States Environmental Protection Agency's ("U.S. EPA") Request for Information pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act ("B.F. Goodrich's Response") without the referenced exhibits. B.F. Goodrich's Response is being submitted today via facsimile pursuant to our agreed April 30, 2001 deadline. I will be forwarding a hard copy of B.F. Goodrich's Response with the referenced exhibits via Federal Express for delivery to you tomorrow.

I have also included a faxed version of the certification required by Instruction No. 9. I will forward a hard copy of the certification in the next few days.

If you have any questions, do not hesitate to call me.

li P. Woldter

Very truly yours,

Heidi B. Goldstein

HBG:rds

cc: Mr. Thomas Nash, Assistant Regional Counsel, Mail Code: C-14J (via

facsimile)

Chris Sheehey, Esq.

R. Leonard Rowe, Jr., Esq. Michael L. Hardy, Esq.

April 30, 2001

Heidi B. Goldstein 216-566-5559 heidi.goldstein@thompsonhine.com

VIA FACSIMILE AND FEDERAL EXPRESS

Ms. Deena Sheppard-Johnson
Mail Code: SR-6J
United States Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Boulevard
Chicago, IL 60604

Re:

United States Environmental Protection Agency Request

for Information - Chemical Recovery Systems Site - Elyria, Ohio

Dear Ms. Sheppard-Johnson:

The undersigned and this law firm represent the B.F. Goodrich Company ("B.F. Goodrich") in connection with the Chemical Recovery Systems Site in Elyria, Ohio (the "Site"). On behalf of the B.F. Goodrich Company ("B.F. Goodrich), we provide the following objections and response to the United States Environmental Protection Agency's ("U.S. EPA") Request for Information pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")(the "Information Request").

GENERAL OBJECTIONS

- 1. B.F. Goodrich objects to Instruction No. 3 on the basis that CERCLA does not mandate that a response "identify . . . contributing sources of information;"
- 2. B.F. Goodrich objects to U.S. EPA's attempt to impose a continuing duty on B.F. Goodrich under Instruction No. 6 to supplement B.F. Goodrich's response as this Instruction exceeds the authority granted by CERCLA Section 104(e). If B.F. Goodrich becomes aware of any information that demonstrates its response was incorrect when made, though believed to be correct when made, or is no longer true, B.F. Goodrich will voluntarily supplement such response;
- 3. B.F. Goodrich objects to Instruction No. 8 as it seeks to impose obligations on B.F. Goodrich that exceed the authority granted by CERCLA Section 104(e). Instruction No. 8 is unduly burdensome and overly broad by seeking "all information and documents" in the "possession or control" of "former

April 30, 2001 Page 2

employees, agents, contractors, or attorneys." CERCLA Section 104(e) does not require B.F. Goodrich to provide information that is outside its possession, custody or control, as would be the case with former employees, agents, contractors or attorneys;

- 4. B.F. Goodrich objects to Definition No. 2 as it attempts to alter the statutory definition of "person" by grouping several persons into one; and
- 5. B.F. Goodrich objects to Question Nos. 4, 10, 11 and 12 on the grounds that they overly are burdensome and vexatious, and request information beyond the scope of CERCLA Section 104(e).

Subject to and without waiving any of these General Objections, B.F. Goodrich provides the following response to the Information Request:

Richard Hardesty
 Manager Auditing & HSE Assurance
 PMD Group Inc.
 9911 Brecksville Road
 Brecksville, Ohio 44141-3247
 (216) 447-6348

Mr. Hardesty consulted the following individuals:

a. Robert Sprose
Production Foreman
PMD Group Inc. (formerly with The B.F. Goodrich Co. - Avon Lake Technical Center)
500 Moore Rd.
Avon Lake, Ohio 44012-0134
440-933-0400

b. Jim Hastings

Production Foreman

PMD Group Inc. (formerly with The B.F. Goodrich Co. - Avon Lake Technical Center)

500 Moore Rd. Avon Lake, Ohio 44012-0134 440-933-0400

April 30, 2001 Page 3

c. Richard Dzambi

Former Shipper for The B.F. Goodrich Company - Avon Lake General Chemical 1502 West 12th Street

Lorain, Ohio 44052

440-246-5030

d. David Boggs

Former Supervisor for The B.F. Goodrich Company - Avon Lake Technical Center

905 Hollywood

Elyria, Ohio 44035

440-365-8140

e. Hugo Gough

Former Shipping Manager for The B.F. Goodrich Company - Avon Lake Technical Center

Elyria, Ohio

440-366-3841

f. Wayne Randles

Transportation Coordinator

PMD Group Inc. (formerly with The B.F. Goodrich Co. - Akron Plant 3)

9911 Brecksville Road

Brecksville, Ohio 44141-3247

216-447-5303

g. Ken Cockrum

Supervisor of Shipping and Receiving

Akron General Chemical (formerly with The B.F. Goodrich Company

- Akron Plant 3)

240 W. Emerling Ave.

Akron, Ohio 44301

330-374-2254

April 30, 2001 Page 4

Ron Ferlick

SIA Adhesives (former Plant Manager for The B.F. Goodrich Company - Akron Adhesives Plant)

123 W. Bartges Akron, Ohio 44311-1081 330-374-2911

Jerry A. Smith Consultant - Special Products The B.F. Goodrich Company c/o Canal Place Limited 520 S. Main St., Suite 2511 Akron, Ohio 44311-1010 330-374-4260

Danny Collins

HSE Engineer

PMD Group Inc. (formerly with The B.F. Goodrich Co. - Avon Lake General Chemical)

500 Moore Rd.

Avon Lake, Ohio 44012-0134

440-933-0492

John Uptmor

Manager HSE

PMD Group Inc. (formerly with The B.F. Goodrich Co. - Avon Lake General Chemical)

500 Moore Rd.

Avon Lake, Ohio 44012-0134

440-933-0400

Edward Strausser

PMD Group Inc. (formerly Process and Warehouse Foreman with The B.F. Goodrich Co. - Avon Lake General Chemical)

500 Moore Rd.

Avon Lake, Ohio 44012-0134

440-933-0449

- 2. B.F. Goodrich objects to this question to the extent that it seeks information protected by the attorney-client privilege, attorney-work product doctrine or any similar privilege. Without waiving this objection, all responsive, nonprivileged documents are attached as Exhibit A. A privilege log identifying a document withheld on the basis of attorney-client privilege and the attorney-work product doctrine is attached as Exhibit B.
- 3. B.F. Goodrich is not aware of any such persons.
- 4. As set forth in the General Objections, the information requested exceeds the authority granted by CERCLA Section 104(e). B.F. Goodrich objects to this request to the extent that it does not apply to the Site.
- 5. B.F. Goodrich objects to this question as it calls for speculation. Without waiving its objection, B.F. Goodrich has no information that any release or threat of release has occurred at the Site.
- 6. As set forth in the General Objections, the information requested exceeds the authority granted by CERCLA Section 104(e). Without waiving this objection, B.F. Goodrich has engaged in a good faith and appropriate search to provide answers that are responsive to the Information Request, and B.F. Goodrich was unable to locate any information to substantiate U.S. EPA's statements in its March 2, 2001 General Notice of Potential Liability that it generated, used, treated, stored, disposed of or handled any material at the Site or transported any material to the Site. B.F. Goodrich also was unable to locate any information to corroborate the witness statement summaries or the "dirty inventory" list U.S. EPA provided.
- 7 (a) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Obitts Chemical Company.
 - (b) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Russel Obitts.

- (c) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Chemical Recovery Systems, Inc.
- (d) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Peter Shagena.
- (e) B.F. Goodrich objects to this question on the grounds that it is overly broad and unduly burdensome to the extent that it does not apply to the Site and seeks information outside of the time frame relevant to the Site. Without waiving this objection, B.F. Goodrich used James C. Freeman as a broker on September 6, 1989 for the disposal of 700 gallons of waste flammable solids (D001) from its facility at 9921 Brecksville Road, Brecksville, Ohio. See Manifest and Generator Waste Profile, attached as Exhibit A.
- (f) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with James "Jim" Jackson.
- (g) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Donald Matthews.
- (h) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Bob Spears.
- (i) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Bill Bromley.

- (j) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Carol Oliver.
- (k) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Nolwood Chemical Company, Inc.
- (l) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Art McWood.
- (m) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Chuck Nolton.
- (n) B.F. Goodrich objects to this request on the grounds that it is overly broad and unduly burdensome to the extent that it does not apply to the Site and seeks information outside of the time frame relevant to the Site. Without waiving this objection, two (2) of B.F. Goodrich's former plants sent three (3) shipments of material to Michigan Recovery Systems, 36345 Van Borne, Romulis, Michigan 48174 in 1988 and 1989. See August 17, 1988 manifest from the B.F. Goodrich Company, Walker Road, Avon, Lake, Ohio 44012 for 95 gallons of waste flammable liquid (D001); August 17, 1988 manifest from the B.F. Goodrich Company, Walker Road, Avon Lake, Ohio 44012 for 2,700 gallons of non hazardous solid waste; September 6, 1989 manifest from the B.F. Goodrich Company, 9921 Brecksville Road, Brecksville, Ohio 44141 for 700 pounds of waste flammable solids (D001), copies of which are attached as Exhibit A.
- (o) B.F. Goodrich has engaged in a good faith and appropriate search to provide answers responsive to this Information Request, and B.F. Goodrich was unable to locate any information that it had any arrangement with Chemical Recovery Systems of Michigan.

- 8. B.F. Goodrich has engaged in a good faith and appropriate search to provide answers that are responsive to the Information Request, and B.F. Goodrich was unable to locate any information to substantiate U.S. EPA's statements in its March 2, 2001 General Notice of Potential Liability that it generated, used, treated, stored, disposed of or handled any material at the Site or transported any material to the Site. B.F. Goodrich also was unable to locate any information to corroborate the witness statement summaries or the "dirty inventory" list U.S. EPA provided.
- 9. B.F. Goodrich has engaged in a good faith and appropriate search to provide answers that are responsive to the Information Request, and B.F. Goodrich was unable to locate any information to substantiate U.S. EPA's statements in its March 2, 2001 General Notice of Potential Liability that it generated, used, treated, stored, disposed of or handled any material at the Site or transported any material to the Site. B.F. Goodrich also was unable to locate any information to corroborate the witness statement summaries or the "dirty inventory" list U.S. EPA provided.
- 10. As set forth in the General Objections, the information requested exceeds the authority granted by CERCLA Section 104(e). B.F. Goodrich objects to this request to the extent that it does not apply to the Site. Additionally, B.F. Goodrich objects to this request as overly burdensome and vexatious.
- 11. As set forth in the General Objections, the information requested exceeds the authority granted by CERCLA Section 104(e). B.F. Goodrich objects to this request to the extent that it does not apply to the Site. Additionally, B.F. Goodrich objects to this request as overly burdensome and vexatious.
- 12. As set forth in the General Objections, the information requested exceeds the authority granted by CERCLA Section 104(e). B.F. Goodrich objects to this request to the extent that it does not apply to the Site. Additionally, B.F. Goodrich objects to this request as overly burdensome and vexatious.
- 13. Not applicable.
- 14. Not applicable.

April 30, 2001

Page 9

If you have any questions, do not hesitate to call me.

Very truly yours,

Heidi B. Goldstein

HBG:rds

cc: Mr. Thomas Nash, Assistant Regional Counsel, Mail Code: C-14J (via

facsimile)

Chris Sheehey, Esq.

di B. Wer dote

R. Leonard Rowe, Jr., Esq. Michael L. Hardy, Esq.

STATE OF NORTH CAROLINA
): 55
COUNTY OF Meck On Out ()
CHRISTOPHER SHEEHEY

- I am the Director of Environmental, Health and Safety for the B.F. Goodrich
 Company;
- 2. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.
- 3. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

FURTHER, AFFLANT SAYETH NAUGHT.

hristopher Sheehey

SWORN TO BEFORE ME, and subscribed to in my presence this 30

day of (

2001.

Notary Public

Gard A. Collins, Notary Public Mecklenburg County, North Carolina My Commission Expires 3/30/2005



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To be mailed by Generator to: Michigan DNR 8ox 30038 Lansing, MI 48909

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SENT BY:BFGOODRICH ; 3-29-1 ; 10:11 ; HS&E→ TH&F LLP;# 3/ 6 MICHIGAN RECOVERY SYSTEMS, INC.

> 26345 VAN BORN ROAD - ROMULUS, MICHIGAN 48174 313-326-3100 MID 060975844

GENERATOR WASTE PROFILE REPORT

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ATOR ADDRESS: 9921 BRECKSUILLE	ROUSTOMER NAME: FREEMAN RADE
BRECKSUILLE, OHIO	CUSTOMER ADDRESS: PO. BOX 229
CT: HARRY CICCOLINI	UERMILION OHIO
NO: (216) 447 5243	CONTACT: JAMES & FREEMAN
	PHONE NO: 1-216 -967-0373
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Michigan Recovery Systems, Inc.

36345 Van Born Road Romulus, Michigan 48174 313/326-3100 Out of State 800/521-0998

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certify that these goods were produced in compliance with all applicable requirements of Sections 6, 7, and 12 of the Fair Labor Standards Ac 1, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof.

HS&E→

TH&F LLP;# 5/ 6

Failure to file is punishable under section 299.548 MCL or Section 10 of Act 136, FA. 1969.

DNK MICHIGAN DEPARTMENT OF NATURAL RESOURCES

DO NOT WRITE IN THIS SPACE ATT. 🗆 DIS. 🗆 RÉJ. 🗀 PR. 🗆 .

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HS&E→

TH&F LLP;# 6/ 6

Failure to file is punishable under section 200.548 MCL or Section 10 of Act 136, PA. 1969.

DNR MICHIGAN DEPARTMENT OF NATURAL RESOURCES

DO NOT WRITE IN THIS SPACE REJ. 🗆 . PR. 🖸 DIS. 🗀

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PRIVILEGE LOG

B.F. Goodrich's Response and Objections to U.S. EPA's Request for Information Re: Chemical Recovery Systems Site - Elyria, Ohio

Date	From	То	CC	Description	Privilege
04/11/01	Richard Hardesty	Heidi B. Goldstein, Esq.	None	Interview Report	Attorney-Client Work-Product

THOMPSON Heidi B. Goldstein, Esq. HINE THOMPSON HINE LLP

3900 Key Center 127 Public Square

Cleveland, Ohio 44114–1291

VIA FEDERAL EXPRESS

Ms. Deena Sheppard-Johnson

Mail Code: SR-6J

United States Environmental Protection

Agency
Remedial Enforcement Support Section

77 West Jackson Boulevard

Chicago, IL 60604

Date

Sender's

Name

3 To

Company

Address

1 From This portion can be removed for Recipient's records

CLEVELAND

2 Your Internal Billing Reference

Recipient's Mail Code:

8255 2584 1623

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portion can be removed for Recipient's records. 01/01	4a Express Package Service Packages up to 150 Delivery commitment may be later in some an
01/01 FedEx Tracking Number 825525841623	FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight delivery to select locations
Heidi B. Goldstein, Esq. Phone 216 566-5559	FedEx 2Day* Second business day FedEx Express Saver* * FedEx Express Saver* * FedEx Express Saver* Minimum charge: One-pound
THOMPSON HINE FLORY L L P	4b Express Freight Service Packages over 150 Delivery commitment may be latter in some an
127 PUBLIC, SQ	FedEx 1Day Freight* Next business day * Call for Confirmation:
Dept/Floor/Suite/Room	5 Packaging *Declared value limits
EVELAND State OH ZIP 44114	FedEx Envelope/Letter* FedEx Pak* Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.
nal Billing Reference 015559.00254	6 Special Handling Include FedEx address in Section 3.
Ms. Deena Sheppard-Johnson Mail Code: SR-6J United States Environmental Protection Agency Remediation Enforcement Support Section	SATURDAY Delivery Available only for FedEx Priority Overnight and FedEx Docation Overnight and FedEx Docation Overnight and FedEx Docation Overnight and FedEx Docation Not available with FedEx First Overnight Does this shipment contain dangerous goods? One box must be checked. Yes Por Ice
77 West Jackson Boulevage	As per attached Shipper's Declaration Dry Ice, 9, UN 1845 x Shipper's Declaration not required Cargo Aircraft Only Dangerous Goods cannot be shipped in FedEx packaging. Cargo Aircraft Only Payment Bill to:
x location, print FedEx address. We cannot deliver to P.O. boxes or P.O. ZIP codes.	Sender Acct. No. in Credit Card No. below. Sender Credit Card No. in Credit Card Cash/Che Acct. No. in Credit Card Cash/Che Acct. No. in Credit Card Cash/Che Cash/C
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